

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FACULTY, ALUMNI, AND STUDENTS
OPPOSED TO RACIAL PREFERENCES
(FASORP),

Plaintiff,

v.

NORTHWESTERN UNIVERSITY; HARI
OSOFSKY, in her official capacity as dean of
Northwestern University School of Law; SARAH
LAWSKY, JANICE NADLER, AND DANIEL
RODRIGUEZ, in their official capacities as
professors of law at Northwestern University;
DHEVEN UNNI, in his official capacity as editor in
chief of the Northwestern University Law Review;
JAZMYNE DENMAN, in her official capacity as
senior equity and inclusion editor of the
Northwestern University Law Review,

Defendants.

Case No. 25-cv-1129

District Judge Sara L. Ellis

JOINT MOTION TO SEAL

Pursuant to Local Rule 26.2, Plaintiff Faculty, Alumni, & Students Opposed to Racial Preferences (“FASORP”) and Defendants hereby respectfully move this Court for leave to file under seal certain portions of the Joint Statement and the Declaration of Jonathan F. Mitchell, as well as the entirety of Exhibit A to the Joint Statement and the entirety of Exhibits A, B, and C to the Declaration of Jonathan F. Mitchell. These documents contain confidential information regarding negotiated billing practices. This information is commercially sensitive, and its public disclosure would create a competitive disadvantage. FASORP and Defendants seek permission to file the following materials under seal:

1. Joint Statement. The parties will file a redacted public version of the Joint Statement.
2. Exhibit A to the Joint Statement. This exhibit is a true and correct copy of a spreadsheet prepared by Latham & Watkins LLP, detailing the relevant invoice entries and billing rates for Latham attorneys and paralegals involved in preparing Defendants' Rule 41(d) Motion for an Award of Fees and Costs in Case No. 24-cv-5558 and a Stay of This Suit Pending Payment Thereof ("Motion for Fees") and associated briefing. Given the nature of this information, Defendants are seeking to file Exhibit A to the Joint Statement under seal in its entirety, without a redacted public version.
3. Declaration of Jonathan F. Mitchell. The parties will file a redacted public version of the Declaration of Jonathan F. Mitchell.
4. Exhibit A to the Declaration of Jonathan F. Mitchell. Given the nature of this information, FASORP is seeking to file Exhibit A to the Declaration of Jonathan F. Mitchell under seal in its entirety, without a redacted public version.
5. Exhibit B to the Declaration of Jonathan F. Mitchell. Given the nature of this information, FASORP is seeking to file Exhibit B to the Declaration of Jonathan F. Mitchell under seal in its entirety, without a redacted public version.
6. Exhibit C to the Declaration of Jonathan F. Mitchell. Given the nature of this information, FASORP is seeking to file Exhibit C to the Declaration of Jonathan F. Mitchell under seal in its entirety, without a redacted public version.

Although there is a presumption as to the public's right of access to court proceedings, that right is not absolute. Courts consistently recognize that "the right to inspect and copy judicial records is not absolute," and non-public, commercially sensitive documents may be protected from public disclosure. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978) ("Every court has

supervisory power over its own records and files[.]”). Pursuant to Federal Rule of Civil Procedure 26(c), a party may file a document under seal when “good cause” exists to keep the information confidential. Fed. R. Civ. P. 26(c). Courts regularly find good cause exists to seal commercially sensitive information that a party has maintained as confidential. *See, e.g., FTC v. OSF Healthcare Sys.*, 2012 WL 1144620, at *3 (N.D. Ill. Apr. 5, 2012); *Knauf Insulation, LLC v. Johns Manville Corp.*, 2022 WL 4292228, at *2 (S.D. Ind. Apr. 27, 2022); *Formax Inc. v. Alkar-RapidPak-MP Equip., Inc.*, 2014 WL 792086, at *3-4 (E.D. Wis. Feb. 25, 2014); *BTL Indus. v. JV Med. Supplies, Inc.*, 2023 WL 7475893, at *2-3 (S.D. Ind. Oct. 3, 2023).

Good cause to seal exists here because the documents designated above contain business information considered highly confidential and sensitive by FASORP, Defendants, and their counsel. In particular, the documents contain confidential billing rates, hours dedicated, and fees charged by counsel in this case, and information detailing specific workstreams undertaken by counsel in litigating the Motion for Fees and other cases. Submission of this highly sensitive information is necessary to permit the Court to fully adjudicate its Order granting Defendants’ Motion for Fees. *See* Dkt. 37. Nonetheless, public disclosure of this confidential information would harm FASORP, Defendants, and their counsel by revealing sensitive billing, rate, and other fee arrangements, potentially compromising future business negotiations concerning legal fee arrangements. In similar circumstances, motions to seal information relating to attorney invoices and billing practices are routinely granted by courts in this circuit. *Caterpillar Inc. v. Brington Indus.*, 2014 WL 12733648, at *2 (C.D. Ill. Jan. 31, 2014); *In re Folding Carton Antitrust Litig.*, 557 F. Supp. 1091, 1111 (N.D. Ill. 1983) (noting that “time records filed in connection with attorneys’ fees claims in this litigation[] were filed under seal”), *aff’d in part*, 744 F.2d 1252 (7th Cir. 1984).

WHEREFORE, FASORP and Defendants respectfully request that the Court grant this motion seeking leave to file the specified documents under seal.

Dated: August 22, 2025

Respectfully submitted,

/s/ Jonathan F. Mitchell

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I filed the foregoing with the Clerk of Court by using the CM/ECF system and sent via electronic transmission to all parties of record.

/s/ Danielle Conley

Danielle Conley (*admitted pro hac vice*)